

### **AMENDMENTS TO THE CLAIMS**

#### **Listing of Claims:**

1. (Currently amended) A method for generating or increasing resistance to at least one biotic or abiotic stress factor in a plant, comprising the following steps:
  - a) increasing the amount of protein, or the function, of at least one Bax inhibitor-1 (BI1) protein by transformation in at least one plant tissue of said a plant with the proviso that the expression in the leaf epidermis in said plant remains essentially unchanged or is reduced, and
  - b) selecting the a plant which exhibits increased resistance to the at least one biotic or abiotic stress factor or the resistance to said at least one biotic or abiotic stress factor,

wherein the at least one biotic or abiotic stress factor is due to a plant pathogen, chemical stress, UV radiation, heat, cold, drought, or increased humidity; and wherein the BI1 protein comprises the polypeptide sequence as set forth in SEQ ID NO: 2 or a polypeptide sequence having at least 70% 90% identity with the polypeptide sequence as set forth in SEQ ID NO: 2.
2. (Original) The method according to claim 1, wherein the stress factor is a plant pathogen.
3. (Previously presented) The method according to claim 1, wherein the stress factor is a necrotrophic or hemibiotrophic pathogen.
- 4-5. (Cancelled)
6. (Previously presented) The method according to claim 1, wherein the amount of protein, or the function, of the at least one BI1 protein is effected by recombinant expression of said BI1 protein under the control of a root-, tuber- or mesophyll-specific promoter.
7. (Previously presented) The method according to claim 1, further comprising
  - (a) stably transforming a plant cell with a recombinant expression cassette comprising a nucleic acid sequence coding for the BI1 protein functionally linked with a tissue-specific promoter, wherein the promoter has essentially no activity

in the leaf epidermis and is heterologous with regard to said nucleic acid sequence which codes for the BI1 protein;

- (b) regenerating the plant from the plant cell; and
- (c) expressing said nucleic acid sequence which codes for the BI1 protein in an amount and for a period sufficient to generate or to increase a stress and/or pathogen resistance in said plant.

8. (Previously presented) The method according to claim 1, wherein the plant is a monocotyledonous plant or a dicotyledonous plant.

9. (Previously presented) The method according to claim 1, wherein the plant is selected from the group consisting of wheat, oats, millet, barley, rye, maize, rice, buckwheat, sorghum, triticale, spelt, linseed and sugar cane.

10. (Previously presented) The method according to claim 1, wherein the expression of the Bax inhibitor-1 (BI-1) in the mesophyll is increased.

11. (Previously presented) The method according to claim 1, wherein the plant has an mlo-resistant phenotype, or the expression or function of MLO, RacB and/or NaOx is inhibited or, in comparison with a control plant, is reduced at least in the epidermis and/or the expression or function of PEN2, SNAP34 and/or PEN1 is increased at least in the epidermis in comparison with a control plant.

12. (Withdrawn) A polypeptide sequence coding for a BI1 protein comprising at least one sequence selected from the group consisting of

- a) the sequences as shown in SEQ ID NO: 12, 14, 16, 18, 20, 22, 24, 28, 30, 32 or 38,
- b) sequences which have at least 90%, preferably at least 95%, especially preferably at least 98%, homology with one of the sequences as shown in SEQ ID NO: 12, 14, 16, 18, 20, 22, 24, 28, 30, 32 or 38, and
- c) sequences which comprise at least 10, preferably at least 20, especially preferably at least 30, contiguous amino acids of one of the sequences as shown in SEQ ID NO: 12, 14, 16, 18, 20, 22, 24, 28, 30, 32 or 38.

13. (Withdrawn) A nucleic acid sequence coding for a polypeptide sequence according to claim 12.
14. (Currently amended) A recombinant expression cassette comprising a nucleic acid sequence coding for a BI1 protein functionally linked with a tissue-specific promoter, wherein the BI1 protein comprises the polypeptide sequence as set forth in SEQ ID NO: 2 or a polypeptide sequence having at least 70% 90% identity with the polypeptide sequence as set forth in SEQ ID NO: 2, and wherein the promoter has essentially no activity in the leaf epidermis and is heterologous with regard to said nucleic acid sequence.
15. (Previously presented) The recombinant expression cassette of claim 14, wherein the tissue-specific promoter is a root-, tuber- or mesophyll-specific promoter.
16. (Previously presented) A recombinant vector comprising the expression cassette according to claim 14.
17. (Previously presented) A recombinant microorganism or plant comprising at least one expression cassette according to claim 14.
18. (Cancelled)
19. (Previously presented) The recombinant plant according to claim 17, selected from the group consisting of wheat, oats, millet, barley, rye, maize, rice, buckwheat, sorghum, triticale, spelt, linseed, sugar cane, oilseed rape, cress, *Arabidopsis*, cabbage species, soybean, alfalfa, pea, beans, peanut, potato, tobacco, tomato, eggplant, paprika, sunflower, *Tagetes*, lettuce, *Calendula*, melon, pumpkin/squash and zucchini.
20. (Previously presented) The recombinant plant according to claim 17, wherein the plant additionally has an mlo-resistant phenotype.
- 21-22. (Cancelled)
23. (Previously presented) The method of claim 1, wherein the BI1 protein comprises a polypeptide polypeptide sequence having at least 95% identity with the polypeptide sequence as set forth in SEQ ID NO: 2.
24. (Cancelled)

25. (Currently amended) The recombinant expression cassette[[r]] of claim 14, wherein the BI1 protein comprises a polypeptide polypeptide sequence having at least 95% identity with the polypeptide sequence as set forth in SEQ ID NO: 2.
26. (New) The method of claim 1, wherein the amount of protein, or the function, of the at least one BI1 protein is effected by recombinant expression of said BI1 protein under the control of a tuber- or mesophyll-specific promoter.
27. (New) The recombinant expression cassette of claim 14, wherein the tissue-specific promoter is a tuber- or mesophyll-specific promoter.